

**Petition for Letters of Administration**

INSTRUCTIONS

**I. Specific Instructions**

1. This form is to be used for a petition for letters of administration pursuant to O.C.G.A. §53-6-20, et seq.
2. Use of this form is permissible, but not mandatory, in connection with a petition for appointment of a successor administrator, pursuant to O.C.G.A. §53-6-21(b). Appropriate interlineations must be made, and additional information must be given concerning the identity of the previous administrator, the reason for the vacancy in the office, and the date the office became vacant.
3. With respect to the conditions under which the judge may, pursuant to O.C.G.A. §53-7-1(b), waive bond and/or grant certain powers contained in O.C.G.A. §53-12-232, please note:
  - (a) All of the heirs must consent, and
  - (b) Notice must be published.
4. O.C.G.A. §53-11-2 provides that a party to a probate court proceeding concerning a decedent's estate who is unborn or unknown or is not sui juris must be represented by a guardian, provided that the court may appoint a guardian ad litem or determine that the natural guardian, guardian of the person or property, or testamentary guardian has no conflict and may serve. (See GPCSF 16). For purposes of the consent described in paragraph 3 above, with respect to any heir who is not sui juris, such consent may be given by such guardian. The personal representative of a deceased heir is authorized to consent on behalf of that heir.

**II. General Instructions**

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
DECEASED ) PETITION FOR LETTERS OF  
ADMINISTRATION

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_ whose domicile  
is/are \_\_\_\_\_, and whose mailing  
address(es) is/are \_\_\_\_\_  
\_\_\_\_\_, shows:

1.  
\_\_\_\_\_, whose  
First Middle Last Name  
domicile was \_\_\_\_\_,  
Street City County State  
departed this life on \_\_\_\_\_, 20\_\_\_\_, intestate, leaving an estate of real property located  
in \_\_\_\_\_ County(ies), Georgia, having a total fair  
market value of approximately \$\_\_\_\_\_ and personal property as follows (provide  
approximate value):

- a. cash/bank accounts/certificates of deposit \$ \_\_\_\_\_
- b. stocks/bonds/brokerage accounts \$ \_\_\_\_\_
- c. other assets of significant value (list) \$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROXIMATE TOTAL \$ \_\_\_\_\_

2.

Under the law it is necessary that said estate be administered; and \_\_\_\_\_

\_\_\_\_\_ should be appointed Administrator(s) by reason of (initial one):

- \_\_\_\_\_ a. being unanimously selected by all the heirs. (This alternative does not apply if the surviving spouse is the sole heir and an action for divorce or separate maintenance was pending at the time of decedent's death.)
- \_\_\_\_\_ b. being the surviving spouse where no action for divorce or separate maintenance was pending at the time of decedent's death.
- \_\_\_\_\_ c. being (an) heir(s) and not the surviving spouse.
- \_\_\_\_\_ d. having been selected by a majority in interest of the heirs.
- \_\_\_\_\_ e. being (an) eligible person(s) as defined by O.C.G.A. §53-6-1.
- \_\_\_\_\_ f. being (a) creditor(s) of the decedent (evidence of the indebtedness is attached).
- \_\_\_\_\_ g. being the county administrator.

3.

Listed below are the names of all the decedent's heirs with the age or majority status, address, and relationship to decedent set opposite the name of each:

Name	Age (or over 18)	Address	Relationship
------	---------------------	---------	--------------

_____			
_____			
_____			
_____			
_____			
_____			
_____			

4.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent.

5.

(Petitioner(s) MUST initial one):

\_\_\_\_\_ All heirs have consented to the waiver of bond and/or grant certain powers contained in O.C.G.A. §53-12-232 to the Administrator(s). Therefore, the Petitioner(s) hereby move(s) the Court to publish notice of the filing of the Petition and tender(s) with this Petition publication fees.

\_\_\_\_\_ The identities and/or addresses of all heirs are not known. Therefore, the Petitioner(s) hereby move(s) the Court to publish notice of the filing of the Petition, and tender(s) with this Petition publication fees.

\_\_\_\_\_ Notice of this Petition need not be published because the Petitioner(s) has/have listed all heirs at law and their addresses, and Petitioner(s) is/are not requesting a waiver of bond and returns or the grant of powers contained in O.C.G.A. §53-12-232.

6.

To the knowledge of the petitioner(s), no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner(s) pray(s) that

1. service be perfected and
2. that if no good cause is shown to the contrary, \_\_\_\_\_  
\_\_\_\_\_ be appointed Administrator(s) of the  
estate of said decedent.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number:

\_\_\_\_\_  
Phone Number:

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before

Me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before

me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

**SELECTION BY HEIRS (AND CONSENT OF HEIRS TO WAIVER OF BOND  
AND/OR GRANT OF CERTAIN POWERS)**

Note: If an heir is not sui juris, the guardian appointed by the Court or the person that the Court determined may act as guardian is authorized to consent for such non sui juris heir in accordance with the instruction page to this form.

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

We, being (all of the) heirs of the estate of \_\_\_\_\_, deceased, and being sui juris unless otherwise indicated, do hereby acknowledge service, waive all further notice, and select \_\_\_\_\_ to act as Administrator(s) of the estate of said decedent. Further, *if so indicated below*, we hereby grant to the Administrator(s) the additional powers contained in (a) and/or (b) below.

\_\_\_\_\_ a. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the waiver of bond for said Administrator(s) and the grant to said Administrator(s) the power to serve without making and filing inventory and without filing an annual or other returns or reports to any court.

\_\_\_\_\_ b. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

-----  
\_\_\_\_\_ a. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the waiver of bond for said Administrator(s) and the grant to said Administrator(s) the power to serve without making and filing inventory and without filing an annual or other returns or reports to any court.

\_\_\_\_\_ b. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME